

**MINUTES OF REGULAR MEETING  
OF THE  
COMFORT LAKE - FOREST LAKE  
WATERSHED DISTRICT**

**Thursday, March 22, 2012**

**1. Call to Order**

The President called the March 22, 2012 regular Board meeting to order at 6:30 p.m. at the Forest Lake City Offices, 220 North Lake Street, Forest Lake, Minnesota

Present: President Richard Damchik, Secretary Wayne Moe, Treasurer Tom Lynch and Manager Jon Spence

Absent: Vice President Jackie Anderson (excused with prior notice)

Others: Doug Thomas (CLFLWD), Lisa Tilman (EOR), Chuck Holtman (Smith Partners) and Mark Lobermier (Wyoming).

**2. Setting of Agenda**

The President called for the reading and approval of the March 22, 2012 regular Board meeting agenda. President asked if there were any changes or additions. Motion to approve the agenda was made by Manager Moe and seconded by Manager Lynch. Discussion. Upon vote, the motion passed.

**3. Reading and Approval of Minutes**

The President called for the reading and approval of the minutes of the February 23, 2012 regular Board Meeting. Administrator Thomas noted a revised set of minutes for the February 23<sup>rd</sup> meeting that was handed out prior to the meeting which were based on comments from the District Engineer and Attorney. He requested that the Board of Manager consider the revised minutes for adoption. Motion to approve the February 23, 2012 regular Board meeting minutes, as amended and presented, was made by Manager Moe and seconded by Manager Spence. Discussion. Upon vote the motion passed.

**4. Public Open Forum**

Manager Damchik opened the floor to anyone in attendance wishing to comment on items that are not already scheduled to be discussed as part of the meeting agenda.

**5. New Business**

a) 2012 Citizen Advisory Committee Appointments

Administrator Thomas noted his memo in the Board packet. He explained that watershed law requires the Board of Managers to annually appoint a citizen advisory committee. After soliciting for new members the District did get one new application from a Mr. Robert Roethke, 21396 Heath Ave. Ct. in Forest Lake. Administrator Thomas then recommended that the Managers appoint the current Citizen Advisory Committee along with Mr. Roethke for 2012.

Manager Spence made the motion to appoint Bruce Anderson, Kathy Blomquist, Sam Hathaway, Steve Schmaltz, Curt Sparks, Rod Negus, Rennie Smith, and Bob Roethke to serve as the District's 2012 Citizen Advisory Committee. The motion was seconded by Manager Moe. Discussion. Motion passed.

b) Weiss – Residential BMP Cost Share Application

Administrator Thomas noted his memo in the Board packet. He noted that the project was initially visited by himself and Casey Theil, Chisago SWCD, in the fall of 2011 at which time the site was determined to be eligible for cost-share assistance. Casey Theil then provided Ms. Weiss with a concept plan and cost-estimate in December of 2011. Ms Weiss then submitted a cost-share application, including a design plan and cost estimate in February 2012. The project involves the stabilization and restoration of the existing shoreline with a bio-log and native plant buffer along with a native planting on the adjacent steep slope. The project was reviewed and ranked by Managers Lynch and Moe, Casey Theil, and Administrator Thomas with an average score of 41.5. He noted that the minimum eligible score is 35. He also noted that Ms. Weiss had provided a quote from J&R Landscaping which will be doing the work. Using the contractor quote of \$6,500 the maximum amount of cost-share for the project would be \$3,000 based on the District policy of 50% not to exceed \$3,000.

Manager Moe moved to approve the Weiss Residential BMP Cost-Share Incentive Program application for a shoreline stabilization, shoreline buffer planting, and critical area stabilization project at the rate of 50% not to exceed \$3,000. Motion was seconded by Manager Spence. Discussion. Upon vote the motion passed.

c) Permit & BMP Mapper Project – Work Order

Administrator Thomas noted his staff memo in the Board packet. After providing a brief description of the project he gave a demonstration of the RCWD's Permit Mapper program which is similar to what the CLFLWD permit & BMP mapper program will look and function like. He pointed out the basic map making capability and permit tracking and reporting capability of the RCWD system. He commented that the main functions of the CLFLWD mapper will be to manage permit and BMP data and give staff the ability to provide basic information regarding soils, wetlands, land cover, floodplains, etc. too residents in the watershed. He concluded his presentation noting that the proposed permit & BMP mapper project was included in the District's 2012 work plan and budget. He then provided an overview of the task order and explained that it is broken down into two phases which will be done over the next two years.

Manager Lynch asked if we pay for it after it is finished. Administrator Thomas referred members to the task/work order and pointed out the individual tasks and how they are split into the two phases. Manager Lynch clarified his question and asked when Phase I is complete will it be billed for then. Administrator Thomas commented that he expects that the project will be billed by EOR on a monthly basis as work is completed on Phase I tasks. Manager Lynch asked how it is handled as it was mentioned that the project will not be finished until 2013. Engineer Tilman noted that Phase I is expected to be completed by July of 2012 with time after that for testing and modification and having it operational by the end of 2012. Manager Lynch asked if the dates of July to December 2012 listed are optimistic or realistic. Engineer Tilman clarified her earlier comment stating that the project will begin immediately after approval of the work order and that the prototype will be done by July 1<sup>st</sup> with beta testing of it being done for a few months after that and that it will be fully operational by December of 2012. 2013 activities will be to add additional functionality that is identified in the work/task order as Phase II activities. Manager Moe asked if after Task 3 will it be finished. Engineer Tilman commented that it will be complete after Phase II and pointed out the phase II activities that are in each of the tasks. Manager Moe asked what the cost of Phase II is. Engineer Tilman noted that the cost for Phase II is \$8,225 and the breakdown for Phase I & II is on page four of the task/work order.

Manager Spence made the motion to approve the work order as presented for Phase I of the CLFLWD Web Mapper project for \$11,999. Motion was seconded by Manager Moe. Discussion. Upon vote the motion passed.

## **6. Old Business**

### **a) NBL12/Mattson – Authorization Final Contractor Payment**

Administrator Thomas noted his memo in the Board packet. He went through a presentation on the project including the history of how it got started, project concepts, project design and engineering, landowner agreements, construction, and pollutant reduction estimates. He noted that the Mattson project along with the Foshay project has reduced phosphorous loading to Moody Lake from the project watershed by 27.8 lbs/ac/year or a 28% reduction from the pre-project loading estimate of 99 lbs/ac/year. After the presentation he recommended that based on successful completion of the construction components of the overall project along with approval by the Chisago SWCD of the work completed the Board authorize final payment to Peterson Companies in the amount of \$40,510.00

Manager Moe made the motion to approve final payment to Peterson Companies in the amount of \$40,510.00 for completion of the NBL12/Mattson Water Quality Improvement Project. Motion was seconded by Manager Lynch. Discussion. Upon vote the motion passed.

### **b) Bone Lake Fish Barrier – Approval of Final Plans & Specs**

Administrator Thomas noted his memo in the Board packet. He then asked Engineer Tilman to present, to the Board, the final project plans, specifications, and bid documents. He then commented that with the final plans, specifications and bid documents completed the Board needs to accept them and authorize for the advertisement of construction bids. Manager Moe asked how the project will be advertised. Engineer Tilman commented that they would be using the MN Construction Bulletin. Manager Moe commented that he was not familiar with that and suggested we also consider advertising the project in the Minneapolis Builders Exchange.

Manager Moe made the motion to accept and approve the final plans and specifications as presented by EOR, and further authorizes the development and publishing of a request for bids for the construction of the Bone Lake Fish Barrier project. Motion was seconded by Manager Spence. Discussion. Upon vote the motion passed.

### **c) BWSR 2012 CWF Grants – Approval of Agreement**

Administrator Thomas noted his staff memo in the Board packet. He then gave the Board a quick update on the two projects that had been submitted and accepted by BWSR under their 2012 Clean Water Fund, Implementation Grant program. Those projects were the “Green the Big Box and Greening the Streets for Comfort Lake” and “Tools to Target and Restore Drained Wetlands for Water Quality”. He also noted that the required work plans and budgets have been submitted and approved by BWSR with the last remaining administrative item being the approval and execution of the grant agreement. He also pointed out that with approval of the grant agreement the District is committing to a local match of \$100,819.00 as a condition of receiving grant funds. Manager Damchik asked Attorney Holtman if he had reviewed the grant agreement and if everything was in order. Attorney Holtman responded that he had and the agreement was acceptable.

Manager Spence made the motion to approve entering into the attached FY2012 BWSR Clean water Competitive Grant Program, Grant Agreement, authorizing the District Administrator to serve as the "Authorized Representative", and authorize the commitment of \$100,819.00 in District funds for the required local match as a condition of receiving grant funds. Motion was seconded by Manager Lynch. Discussion. Upon vote the motion passed.

d) Sunrise River Project - Update

Administrator Thomas commented that the purpose of this agenda item is to update the Board on the status of the project and to provide the Managers with an opportunity to provide comments on the draft report which was handed out and discussed at the February meeting. He then handed out and reviewed the draft Watershed Management Plan revision that Attorney Holtman had prepared. He reminded the Board that the reason for the Watershed Management Plan update is to allow the various components of the overall Sunrise River project to be built over time by providing a process in the Watershed Management Plan to follow for ordering and financing the individual project components found in the Engineering Report over an extended period of time. He also gave the Board an update on his work with making landowner contacts and that in the coming weeks he will be working with the cities and counties to set up meetings with them as directed by the Board at the February meeting.

Manager Moe commented that at the last meeting Dan Fabian had said that Shallow Pond was not part of the scope of work, yet he remembers that the original scope of work was to include the investigation of stream and floodplain interaction and that in his experience when someone says it was not included in the scope of work it means an extra charge. So that makes him wonder that when you talk of stream interaction with floodplains he looks at Shallow Pond as a stream/floodplain interaction and will it be part of the original scope or an added cost. Engineer Tilman commented that in the original feasibility report the concept of stream and floodplain interaction was seen as the area from the Ducharme property upstream to Bixby Park.

Manager Moe commented that in looking back Shallow Pond was always part of the big picture and at the March 2011 meeting he had asked the question if a weir at Shallow Pond should be considered. He went on to say that he has looked at the engineering budget and what is coming in the future and that there is a lot budgeted to engineering. His point is that he does not want us to become too heavy on engineering costs. He went on to comment that he had asked the question last May that if this report was to provide designs to the 90% level did that mean it was going to cost another \$200,000 to get the final 10% done. He continued by commenting that what he is saying is that he wants to see final engineering costs including what it is going to cost when these projects are brought forward to implement in the future. He felt it was important to clarify that point.

Administrator Thomas commented that in the future as projects are brought forward for implementation a process using task/work orders will be used similar to what we have just done for the fish barrier project. In that case the final engineering task/work order was for completion of the final plan set, specifications, bid documents and construction observation. He noted this will be the same process that will be used as components of the Sunrise River Project are moved forward for implementation so those costs mentioned will be identified. He also commented on the Shallow Pond component and that although it was not one of the projects that was identified for further investigation in the final engineers report it was included in the work after the detailed H&H analysis showed that there was a potential for restoration without significant impact to flooding and that the majority of the work associated with that activity was covered under the original work order but that there are costs that did go above the original work/task order amount. He pointed out that all future work will come back to the Board in the form of a task/work order and that he would be surprised if the last 10% would ever cost anywhere near the original cost as it typically represents

the things that were just approved a few months ago with the final task/work order for the fish barrier project.

Manager Moe noted that in going through the Engineers Report there is a cost for each component but there is a disclaimer that it does not include legal, engineering, and land costs. He wants to be on the record that when the final list of projects comes back in front of the Board that the Board is presented with what the total cost for each project is estimated to be.

Manager Lynch commented that in going forward a lot has been presented and a lot of bills have been paid and questioned how do we assure that the previous work that has been done and paid for to get us to this point is not somehow lost or not accounted for and is not duplicated and/or billed for again in the next phase/s of implementation. He asked who will be checking on the engineers and engineer's accountant. He also reminded everyone that it will be important to know who tracks and records work that has been completed so it does not get lost over time as staff changes.

Administrator Thomas commented that these are all good points and that in his role as Administrator it is his responsibility to monitor and track those things. One way this happens is in his participation in the development of engineering task/work orders and the review of engineering and legal invoices and recommendation for payment to the Board.

Manager Moe commented that as part of his role it is to make responsible decisions and he wants to make sure that the Board is seeing the full cost when presented with task/work orders for projects in the future.

## **7. Report of Staff**

- a) Administrator Thomas noted his written report in the Board packet. He also pointed out a couple of information pieces on ice-ridges/heaves that he thought the Board would find informative and that help explain the reasons behind some of the extensive ice damaged that has been reported on area lakes.
- b) Emmons and Olivier Resources (EOR) – Engineer Tilman updated the Board on the Forest Lake east water quality investigation and that installation of monitoring equipment on the inlet to Moody Lake has occurred and monitoring has begun.
- c) Smith Partners – Nothing new to report

## **8. Report of Treasurer**

- a) Approval of Bills

Treasurer Lynch presented the Treasurer's Report (A copy of which is annexed and incorporated by reference) and bills and payroll totaling \$92,890.42.

Motion was made by Manager Spence to approve the March 22, 2012 Treasurer's Report and pay the bills and payroll as presented. Manager Moe seconded the motion. Discussion. Upon vote, the motion passed.

## **9. Reports of Officers and Manager**

Manager Damchik – Nothing to report.

Manager Lynch – Commented that he had attended one of the City of Forest Lake listening sessions. He noted that many of those in attendance talked about the importance of the lakes in the community. The Mayor mentioned the work the City was doing to look at a Hwy 61 corridor project and which most seemed supportive of. He asked Administrator Thomas if he knew if there was any discussion at the legislature on using legacy funding for control of Asian Carp which had been an issue discussed at the MAWD Annual Meeting and not supported.

Manager Spence – Commented that he had gotten some reports of ice damage on Comfort Lake.

Manager Anderson – Absent.

Manager Moe – Reminded the group of comments from Commissioner Montzka and Hegberg regarding the Rush Line corridor shortly after he got on the Board and as we arrange meetings to discuss the Sunrise Project that it might relate to the Sunrise River project and the District tax-forfeit land and even Bixby Park and how that might factor in as well.

## **10. Adjournment**

Motion to adjourn the CLFLWD regular Board meeting at 7:45 pm was made by Manager Spence and seconded by Manager Moe. Upon vote, the motion passed.

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Wayne S. Moe, Secretary